Agri. 7.P. 4.C

Memo. no. 53983/55

dt. 20.4.56.

FOR MYSORE STATE

Passed
Govt Order

Original to Mysore

30 DEC 1955 52983

Mangalore,
20th Decr.'55

From:- M.M.Pai,
Sri Ram Rice & Oil Mills of Kanhangad, (since closed)
Now residing at "Krapakuti", Maroli,
Kulshekar, Mangalore (South Kanara).

29 DEC 1955 AGRICULTURE

To,
The Hon'ourable Chief Minister of Madras,
Govt.of-Madras,
Madras.

Respected Sir,

Sub: Supply of Petrol engines for hire for Agricultural purpose by Govt.of Madras- Re: Suit against me by State of Madras through The Collector of South Kanara, Mangalore for the recovery of rent & expenses - R.E.P.609/55- O.S.7/50 for about Rs.1800/-

I beg to bring the following matter for sympathetic consideration by your goodself and for favour of early orders.

In the year 1946-'47 I applied to the Director of Agriculture, Madras for supplying me a petrol engine of 30 H.P. for hire for agriculture-cum-industrial use on the understanding that I must be charged a monthly rental of Rs.30/-. I got the oil engine at Kanhangad at my expense and had it installed at my expense. Subsequently for want of finance and other encumbrances I could not make use of the engine. In the meantime, the authorities, not knowing this fact and thinking that I was utilising the engine for industrial purpose which may be due to rumours floated by some vested interests, I was called upon to pay a monthly rental of Rs.75/- without looking into the matter.

The authorities as well as the people at Kanhangad know that the engine was not at all used and lying idle ever since it was installed and removed and given delivery of to the authorities. I am ready to prove this.

The expenses borne by me in bringing the engine to Kanhangad and getting it installed were more than Rs.600/-which was a dead loss to me.

I thought the matter ended with engine being delivered back to the authorities. But to my great surprise the authorities have filed the above suit for recovery of rent, interest and expenses amounting to about Rs.1800/-(Rupees one thousand and eight hundred). It appears that they are also getting an order from the court here to attach the moveables in my house. This is really a great injustice in as much as I am quite innocent in the whole affair.

Further, since the past few years, due to heavy losses in buseiness I am almost a bankrupt now and my wife's property i.e. the house in which we live is already mortgaged to a creditor for a sum nearing its value. The moveables in the house also belong to my wife and one of the creditors has already attached these moveables. With this no purpose will be served if the authorities move to attach these moveables in the house which are already attached.

To know more about my bonafides I think I should write a few lines of my past history. I was in charge of Hindustani Seva Dal at Bombay for about 4 years i.e. from 1930 to 1934 under Dr.Hardikar. I had also undergone imprisonment in this connection

(contd...2

3

or 17 months(15 months' rigorous imprisonment and 2 months' detention for breaking parole). Although many of the Congress men applied and got free lands offered by Government I did not exercise my previlege in this behalf as my work was purely ~~of~~ for the cause of the Country with selfless interest.I am pretty well known ~~in~~ to high Officials in Delhi and one of your colleague in the Cabinet. My brother,Sri G.K.Rao was secretary to the former Chief Minister of Bombay,Sri B.G.Kher and he also served in this capacity while the latter was High Commissioner at London.Even now he is holding some honorary post in some Government enterprise at Bombay.

It is really deplorable that the Government of Madras should have harassed a person of my category without caring to ascertain my position at present before filing a suit for recovery of alleged rent,interest and expenses of the engine.

I appeal to your goodself to kindly go through this petition and arrange to issue necessary orders for immediate withdrawal of the case and all proceedings against me and thus put an end to the whole affair if you feel convinced that I am the aggrieved party.

Once again praying for a sympathetic attitude and immediate orders,

Yours faithfully,

M.M.Pai

(M.M.PAI)

copies to:- 1. Director of Agriculture,
Madras.

2.The Collector of South Kanara,
Mangalore.

16/1

Agri 58

Enot no 53983/57 GBVI dt 3-1-58

~~Copy~~ Forwarded to the

A Mds for urgent remarks

Issued
LWS
31/1

27/1/58
LWS
31/1/58.

DESPATCH
28 JAN 58

Ex. R. issued on 27/1/58

NR 15/2/58

27/1/58.

As

31/1/58
to
Mr Dtorde
with a copy
of pp 1-3 of

NR 24/1/58

Ker 21/1/56

S.2.275/53

EXCHANGE REMINDER.

DIRECTOR OF AGRICULTURE 29 JAN 1956 MADRAS

AGRICULTURE DEPARTMENT
FOOD PRODUCTION BRANCH.

To

The Director of Agriculture, Madras.

I am directed to invite attention to Government ~~Memo/~~ Endorsement/ ~~your letter~~ no S 3983/55 P&VI cd ~~P&~~ dated 3-1-56 and to request that the reply may be expe~~dited~~.

For Asst. Secretary.
DESIGNATION.

Office: Agriculture (F.P)Dept.

Station: CHEPAUK.

Date: 27 1 56

27/1/56

SUBJECT

Agri - Gen - Supply of oil engine - Sri M.M. Pari - petition

(PTO)

6 C

S.2-275/53 dt 3 - 2.56.

To The Secretary to Govt. (Ex Officio)
Agri. (F-P) Dept
Chepauk Madras

Sir,

The matter has been referred to the ~~DA~~ Dt. Agrl. Officer Mangalore for urgent remarks. He has also been reminded to expedite his remarks On receipt of reply from him my final reply will be submitted to Govt

Agri FP

N.R 21/2/56

S. Jayanta Raman
For Director of Agriculture

3/2/56

3/2/56 U) 3/2/56 $ cms 8258 8/2/56 AS.

13/24.2

23/2

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DRAFT REMINDER.

GOVERNMENT OF MADRAS,
Agriculture (Food Production) Department.

Memorandum No. 53983 /55 F.P.VIc Dated 23.2.56

Sub:- Agri - Govt - Supply of oil engine - Sri M.M. Pai - Petition

Ref:- From the Addl S.2.275/53 dt 3.2.56.

F.64/

The attention of the Director of Agriculture/ ~~Collector of~~ is invited to ~~the Government Memo~~ his letter cited and he is requested to submit the final report without delay.

23/2/56 23/2/56. 27/2

RECEIVED 27 FEB 1956

T
The Director of Agriculture, Madras.
~~The Collector of~~

N.R.D. 11/2/56.

11/2/56

Agenda

Memo no 53983/SS-B VI c
dt 9.3.52

Sub:- As at p 7 cf

Read:- From the DA
Rules S.2.27553 dt
3.252

The DA rules
is requested to
submit the report
thereafter

Issue VI
Gwl
1913

p 6 cf

8/2/52-3

To the DA rules
NRD 5452

AGRICULTURAL DEPARTMENT

From
Sri P.P.I. Vaidyanathan,
Bar-at-law, I.C.S.,
Director of Agriculture,
Chepauk,
Madras-5.

To
The Deputy Secretary to
Government (Ex-Officio)
Agriculture (Food Production)
Department,
Chepauk, Madras.

No.S-2-275/53, dated 9-3-1956

Sir,

Sub: Agriculture - Grow More Food - supply of oil engine to Sri M.M. Pai - recovery of decreed amount - petition from Sri M.M. Pai - regarding -

Ref: Government Endorsement No. 53983/55 da FP. VI.C. dated 3-1-56 and memorandum dated 23-2-56.

I submit the following remarks on the petition of Sri M.M. Pai on the above subject. The contention of the petitioner, that he was supplied with an oil engine pumpset for agriculture-cum-industrial use on a monthly rent of Rs.30/- is not correct. He was supplied with a 30 H.P. oil engine pumpset on hire for agricultural purposes only for irrigating his fields near his weaving factory at Kanhangad. The hire charges then in vogue was Rs.3 per day or Rs.75/- per mensem or Rs.200/- for three months whichever is less. The party was charged at Rs.75/- but the court while passing the decree ordered the recovery at Rs.200/-. Hence the minimum charges have been ordered to be recovered. A report has already been sent to Government in this office letter S-2-1351/50 dated 6-4-51 (copy enclosed) with reference to Government memorandum No. 475-N/51-2 dated 9-3-51 of Food and Agriculture Department. The unit was with him from 27-12-46 to 9-10-48. When he failed to remit the advance hire charges as per rules and also failed to return the set to the department, the department withdrew the set from him by arranging the transport of the unit from Kanhangad to Mangalore. The petitioner did not give delivery of the engine as stated by him.

2. It is not certain whether he has incurred an expenditure of Rs.600/- for taking the engine to Kanhangad and get it installed. But the departmental rules are that the hirer should himself bear the expenses connected with the transport of the oil engine to the workspot and get it installed. It was no fault of the department that the hirer after incurring the expenditure as stated by him did not make use of the pumpset for irrigating his field. The departmental rules were that as long as the engine was with the hirer, he should pay the hire charges as per rules. Therefore hire charges were claimed for the period the set was with Sri M.M. Pai, i.e. from 27-12-46 to 9-10-48 and also for the expenditure incurred for transporting the set from Kanhangad to Mangalore. The contention that the matter ended with the engine being delivered back to the department is only wishful thinking on the part of the petitioner. The matter would have ended, if the petitioner had paid all the Government dues for the period the engine was with him. Since he failed to pay the dues inspite of several demands, the Department was forced to file a civil suit for recovery of the Government dues as per G.O.Ms. 804 (Food and Agriculture Department) dated 23-8-54. The suit was decreed in favour of the department and Sri M.M.Pai was ordered to

p.t.o

pay to the department Rs.1075/- towards the balance hire charges and Rs.97-14-0 towards the transport charges of the machinery and proportionate costs. In spite of the Court's findings and judgment, Sri M.M. Pai did not pay off the dues. Therefore the department was again forced to take necessary action for the execution of the decree to recover the amount due to Government. The execution petition is pending with the Court.

3. The Government are not responsible for the losses incurred in business by the petitioner and for his alleged bankruptcy. The party while taking the oil engine on hire had admitted that he owned a weaving factory at Kanhangad and a building in Kanhangad constructed to accommodate a cinema theatre. From this it can be seen that he was in very affluent circumstances then. He also admits that his wife has got properties. Such being the case it is not known as to why he failed to clear up Government dues and forced the department to go to a court of law to realise the amount due from him. It is also not known whether the properties and moveables owned by his wife are hereditary or given by him. In either case he could surely pay off the Government dues becoming of a gentleman. The petitioner has admitted that he is a person of social status by quoting his past history etc. Hence it is all the more surprising that he should have evaded paying off the Government dues and has only opened his eyes to the situation at this last stage when the execution of the decree is pending in Court.

4. The petitioner has alleged that the ~~Court~~ Court are harassing him, in his present position. Presumably he ~~bias~~ tries to convey that at present he is not in as affluent a circumstance as he was in the past in 1946-47. His present position is of no consideration when the subject matter of dispute relates to the years 1946-47. If he had settled the dues then there would not have been any question of proceeding against him in a court of law which he interprets as harassing. The execution of the decree can be withdrawn, if the petitioner arranges to pay to Government the decreed amount.

5. Finally it is submitted that Sri M.M. Pai was a man of social status in affluent circumstances. He even owned a car which was however registered in his wife's name. All his properties are also in his wife's name. This only goes to show his preplanning to deceive his creditors. If he had any good motive, he could have approached the department and the Government before the suit was filed. Even after the suit was filed, it was not late for him to come to some understanding with the department regarding recovery of dues from him on his contention that the engine was not used by him at all. His silence so long until the execution petition was filed only goes to show that he wanted to see what the department or Government could do to recover the dues from him. To put it in plain words his intention was to dupe the Government by not paying the dues. It is submitted that action is pursued as per orders of Government in their Memorandum No. 70396-M/51-14 dated 22-8-1952.

Sd. B.M. Lakshmipathy,
for Director of Agriculture.

: By Order :

Gautaman

ASSISTANT AGRICULTURAL ENGINEER.

C.A./12.3.56.

Office of the Director of Agriculture,
Madras.

Copy of letter No. S-2-1351/50 dated 6-4-1951 from this Office, to the Secretary to Government, Food and Agriculture Department, Fort St. George, Madras.

Sub: Suits - Agricultural Machinery - Oil engine Supply to Sri M.M. Pai of Mangalore - Recovery of Hire charges

Ref: 1. Government Memorandum No. 475-N/51-2 dated 9-3-1951.
2. My letter S-2-1351/50 dated 27-3-1951.

The District Agricultural Officer, Mangalore has since furnished certified copies of the decree and judgment in the suit filed against Sri M.M. Pai of Mangalore. The court has decreed the suit for Rs.1172-14-0 as against the claim of Rs.1,344-14-0. The reduction in the amount claimed is due to the calculation of the hire charges at the rate of Rs.200/- for three months instead of Rs.75/- per mensem. As per rules then in force hire charges were to be recovered at the rate of Rs.3/- per day or Rs.75/- per mensem or Rs.200/- per three months whichever is less. The court has also ordered the payment of Rs.211-3-4 by the defendant towards proportionate costs of the suit.

: True copy :

Copy to the District Agricultural Officer, Mangalore with reference to his letter Roc. E- 1383/49 dated 19-3-1951.

His attention is invited to G.O.Ms. No. 804 Food and Agriculture Department on 23-8-1949 communicated in this office Endorsement No. S-2-3599/47 dated 31-8-1949 wherein Government have permitted the incurring of necessary expenditure in connection with the suit. He may therefore pay th fees to the Government Pleader. He will also report on the recovery of the amount from the party.

: True copy :

C.A./13.3.56.

for ASSISTANT AGRICULTURAL ENGINEER.

17/3/56

Agri FB

Issued 5/10.4

Memo no 53983/55-FB VI cd 2015

Sub:- Agri- Govt F-
supply of oil engine
to Sri M.M. Pai -
recovery of
decreed amount -
Regarding

Read:- 1) Petition dated 20.12.15 from Sri M.M. Pai.

2) Order in the DAO file S.2.270753 d 9856

18

The Court ~~does~~ see no reason ~~consider it necessary~~ to interfere on behalf of the petitioner. The petition is rejected

19/4/52.

Sri M. M. Pai
Sri Ram Rice
+ oil Mills
of Kanhangad
Kasaragod
Maroli
Kulshekar
Mangalore
Copy to the Advocate

HIGH COURT
24 APR

Agri PP

Note file

Sub:- Agri - Com. Supply of Petrol engine to Sri M. M Pai - SK Dt,- Mangalore Taluk - Kanhangad Village - suit for the recovery of the amount - Regarding.

Ref:- From the Hon'ble S.C 275/53 dt 9.3.56

Sri M. M. Pai of Kanhangad village in Mangalore taluk South Kanara Dt. has represented to the Govt that he was supplied with a petrol engine pump set for agricultural cum industrial use and that the Agrl Depot having withdrawn the unit they have filed a suit against him for the recovery of the amount of Rs 1800/-. He has requested the Govt to

issue immediate orders for the withdrawal of the case filed by the court of SK for the recovery of the dues from him. (f) p1cf

The facts of the case ~~have been~~ are explained ~~by~~ in the DA's ~~in detail in his~~ report at pp 11.13cf. It is seen therefrom that the intention of the petitioner seems to be to dupe the court. The allegations put forth by him seem to be also baseless. In the circumstances it does not seem necessary to consider the request of the petitioner. The petition may be rejected. N m p13cf

Hon may also see the case.

29.3.56 31/3/56.

Dy Secy

DS

Secy

AS

AS

Secy

FIRST ASSISTANT SECRETARY TO GOVERNMENT
29131
4 - APR 1956
AGRICULTURE DEPARTMENT

In 4151/SB
28 VI cd 24 SB

Agri (B II)

The notes of Agri (FP) on pp 1-2 ante may be perused and the case may be ~~passed~~ returned to that Deptt.

89
8/4/56. Rec 9/4/56

12/4/56

The B I (3) 11.4.56
II
not concerned 11/4/56

Agri (FP)

Agri (FP) 10/4/56 11/4/56

Agri No 29131/B III/56-1 dt 16-4-56

To AS

Agri FP

GOVERNMENT OF INDIA 17 APR 1956 FOOD PRODUCTION

one notes of Agri also may be perused. WRT A on P2 ante a draft memo is submitted below for appl

12/4/56
A

18/4/56
19/4/56

17 APR 1956